

Application No. 10/009,885
Filed: January 22, 2002
TC Art Unit: 3751
Confirmation No.: 5084

REMARKS

The instant Amendment is filed in response to the Examiner's action dated December 15, 2003. Reconsideration is respectfully requested.

Claims 1-14 are currently pending.

Claims 1-14 stand rejected.

Claims 7-9 and 14 have been amended.

Claims 1-6 and 12-13 have been canceled without prejudice.

Claims 15-16 have been added.

The Examiner has rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Hori (USP 3,864,183). Specifically, the official action indicates that the Hori reference discloses material including pores or capillaries blocked over a limited thickness, thereby inherently creating an airtight barrier with the exception of the first end that allows ink to be applied on a writing surface. The Applicants respectfully submit, however, that the Hori reference does not describe each and every step or element of amended base claims 7 and 14, and therefore does not anticipate amended claims 7 and 14 and the claims dependent therefrom.

The Hori reference discloses a method of producing a pen core from filament tows. Specifically, the Hori reference discloses a

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method in which a rod-shaped body 15 passes through a liquid resin bath 16. As described by Hori, the rod-shaped body 15 is a filament tow that is molded under heat and compression (see column 3, line 65, to column 4, line 20, and Figs. 6-7, of Hori).

In contrast, amended base claim 7 recites a method of treating a coherent high porosity elongate element designed to form a nib, including the step of continuously impregnating an elongate element with a sealing bath, in which the elongate element is a rod constituted by fibers that have previously been held together by a binder (see page 2, lines 28-33, of the application).

The method disclosed in the Hori reference is therefore significantly different from the method of amended base claim 7. For example, whereas amended claim 7 recites continuously impregnating an elongate element constituted by fibers that have previously been held together by a binder, the rod shaped body of the Hori device comprises no binder prior to undergoing the step of impregnation with liquid synthetic resin. Instead of employing a binder to hold the fibers of the rod shaped body together, as recited in amended claim 7, Hori molds the filament tow of the body under heat and compression.

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The significant differences between the method disclosed by Hori and the method recited in amended base claim 7 are further illustrated by reference to column 7, lines 18-35, of the Hori reference. Specifically, in the method of Hori, when the dial is placed on "10", the resin content solidifies around the outer periphery of the rod shaped body, with a thickness of about 0.5 mm in the form of a hollow tube in its cross-section. In this case, the lines written by the Hori device are thick and the pen core is suitable for picture drawing. The lines are thick because the inner fibers were not previously bound together by a binder. When the dial is set on "20" in the method of Hori, the resin content uniformly disperses and solidifies throughout the rod shaped body in its cross-section. In this case, the lines written by the Hori device are thin and the pen core is suitable for writing small letters and characters. Because the Hori device is operative to write small letters and characters when the resin is uniformly dispersed and solidified throughout the cross-section of the rod shaped body, the solidified resin is clearly incapable of plugging the pores or capillaries of the device to create a substantially airtight barrier to prevent ink solvent from evaporating or limiting the evaporation thereof, as recited in amended claim 7.

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WEINGARTEN, SCHURGIN,
GAGNEBIN & LEROVIGI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

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Because the Hori reference neither teaches nor suggests the step of, from an elongate element which is a rod constituted by fibers that have previously been held together by a binder, continuously impregnating the elongate element with a sealing bath, as recited in amended base claim 7, the Hori reference does not anticipate amended claim 7 and the claims dependent therefrom. Because amended base claim 14 similarly recites a writing implement comprising high porosity material constituted of fibers that have previously been held together by a binder, the Hori reference also does not anticipate amended claim 14. Accordingly, the Applicants respectfully submit that the rejections of the claims under 35 U.S.C. 102 are unwarranted and should be withdrawn.

The Examiner has rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Johnson (USP 3,442,739). The Applicants respectfully submit, however, that the Johnson reference does not describe each and every step or element of amended base claims 7 and 14, and therefore does not anticipate amended claims 7 and 14 and the claims dependent therefrom.

For example, the Johnson reference discloses a fibrous wick, in which a sliver of fibers is pulled through a hot sizing die heated to a temperature sufficient to melt the outermost nylon

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fibers, thereby forming an amalgamated nylon-epoxy layer in the form of a sheath around the interior porous structure thereof (see column 4, lines 46-50 of Johnson). Further, a blocking solution is applied to coat the sliver of fibers to facilitate sizing (see column 4, lines 54-56, of Johnson). As disclosed by Johnson, the blocking solution penetrates the wick and is retained within the interior capillaries.

The blocking solution therefore diffuses throughout the cross-section of the wick disclosed by Johnson - the blocking solution does not diffuse over a limited thickness of its longitudinal periphery, as recited in amended base claim 7. In addition, the blocking solution does not plug the pores or capillaries of the material to create a substantially airtight barrier, as recited in amended claim 7. Instead, the capillary action of ink in the wick is improved by the blocking solution, as indicated by the passage "within a matter of minutes after ink is introduced to this wick (which has the blocking solution diffused over its complete cross-section), it exhibits a performance level obtainable only after several hours usage by wicking made without a blocking solution" (see column 5, lines 39-43, of Johnson).

Because the Johnson reference neither teaches nor suggests the steps of diffusing a sealing bath into the elongate element to

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fill (i.e., to plug) the pores and capillaries of the rod over a limited thickness of its longitudinal periphery, as recited in amended base claim 7, the Johnson reference does not anticipate amended claim 7 and the claims dependent therefrom. Because amended base claim 14 similarly recites a writing implement in which pores or capillaries are blocked over a limited thickness at the longitudinal outer periphery thereof, the Johnson reference also does not anticipate amended claim 14. Accordingly, the Applicants respectfully submit that these rejections of the claims under 35 U.S.C. 102 are unwarranted and should be withdrawn.

In view of the foregoing, it is respectfully submitted that the present application is in a condition for allowance. Early and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of

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the present application.

Respectfully submitted,

JOSÉ DUEZ ET AL.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicants

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

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